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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
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2143

MAIL DATE	DELIVERY MODE
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12/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,694

Applicant(s)

LORD ET AL.

Examiner

Alina N. Boutah

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed August 31, 2007. Claims 1-14 and 18 are pending in the present application.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 3, 2007 has been entered.

Specification

In view of Applicant's argument, which was found persuasive, the objection to the specification is now withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by US
2002/0013852 by Janik.

Regarding claim 1, Janik teaches a processor-readable medium embodying set of instructions that, when read by a programmable processor of a first computing device, result in the processor performing a process, the process comprising:

collecting, by the first computing device (figure 1: 18), media files (paragraph 0132 - i.e. mp3 files) and meta data information describing the media files (paragraph 0132 – i.e. URL, IP, path to files), so that the media files' content is available for experiencing by a user at the first computing device (figure 1: 96; paragraph 0132, 0120);

receiving by the first computing device (figure 1: 18), a request from a second computing device (figure 1: 78a-d), the request comprising a request for at least some of the meta data information collected at the first computing device [0120; 0167 – downloading at prescribed time];

communicating, by the first computing device, from the second computing device the requested meta data information and an identifier for each media file described by the requested meta data information, the identifier uniquely identifying the media file [0074 – delivering content to local client devices];

receiving, by the first computing device, from the second computing device a request to transfer a media file selected by the user at the second computing device, the request including the identifier of the selected media file [0074]; and

transmitting by the first computing device, the requested media file to second computing device as a stream, so that the user is able to select from the media files available to the user at the first computing device one or more media files to be experienced by the user at the second computing device (abstract; paragraphs 0074; 0132).

Regarding claim 2, Janik teaches the medium of claim 1, wherein the identifier is a uniform resource identifier [0132].

Regarding claim 3, Janik teaches the medium of claim 1, wherein the process further comprises communicating to a remote server a wide area network (WAN) address to be used to connect to the process over the WAN (abstract: internet).

Regarding claim 4, Janik teaches the medium of claim 3, wherein the process further comprises determining whether a connection can be established with the process via the (WAN) [0082].

Regarding claim 5, Janik teaches the medium of claim 1, wherein the process further comprises configuring a network address translation (NAT) router to enable the process to receive communications from a wide area network (WAN) [0107].

Regarding claim 6, Janik teaches the medium of claim 1, wherein the process further comprises automatically discovering other devices connected to the first computing device, the other devices having media files available for experience by the user [0115].

Regarding claim 7, Janik teaches the medium of claim 6, wherein the process reports to the remote server information on the other instances of the process discovered by the process [0115].

Regarding claim 8, Janik teaches the medium of claim 6, wherein the process further comprises receiving, by the first computing device, a request from one of the other devices for the first computing device to transmit a media file as a stream to the one of the other device [0120].

Regarding claim 9, Janik teaches the medium of claim 1, wherein the process further comprises searching the first computing device for media files and storing meta data describing the located media files [0079].

Regarding claim 10, Janik teaches the medium of claim 9, wherein the searching for media files further comprises searching devices connected to the first computing device for media files [0089].

Regarding claim 11, Janik teaches the medium of claim 1, wherein the process further comprising transmitting one stream at a time (abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik.

Regarding claim 12, Janik teaches a processor-readable medium embodying a set of stored instructions that, when read by a programmable processor at a local computing device, results in the processor performing:

connecting to a process executing at a remote computing device [0102];

receiving from the process information and an identifier for each media file available for experiencing by a user using the remote computing device, the identifier uniquely identifying the media file [0192; 0132 – i.e. URL, IP, path to files];

receiving at least one media file selection by a user using the information received from the process [abstract; 0120];

transmitting to the process a request for the media file selection as a stream (abstract);

receiving from the remote computing device process the requested media file, so that the user is able to select from the media files available to the user at the remote computing device one or more media files to be experienced by the user at the local computing device (abstract; paragraphs 0003, 0117; 0162).

Although Janik does not explicitly disclose the process executing at the remote computing device being an agent process, one of ordinary skill in the art would have recognized that an agent is simply a part of the system that performs information exchange on behalf of a client or server. The use of an agent is well known in the networking art.

Regarding claim 13, Janik teaches the medium of claim 12, wherein the unique identifier comprises a uniform resource identifier (URI) [0132].

Regarding claim 14, Janik teaches the medium of claim 12, wherein the process further comprises transmitting, to the agent process, a request for information describing media files available for streaming to the client process (abstract).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Janik in view of Jacoby.

Regarding claim 18, Janik teaches the medium of claim 12, wherein the process further comprises:

connecting over a wide area network (WAN) to a central server (abstract; figure 1).

However, Janik does not explicitly teach authenticating with the central server using an identifier associated with the agent process; obtaining from the central server a WAN address for an agent process; and connecting to the agent process at the WAN address.

In an analogous art, Jacoby teaches streaming media file from a server to a client player over the network. The streaming includes a metering URL (meta data), which allows the client to request and obtain media files which permits the transmission of the media file to be played on

the client's media player (abstract; figures 1 and 5). Client is able to access to the server by authentication [0040, 0048, 0050, 0054]. At the time the invention was made, one of ordinary skill in the art would have been motivated to incorporate the teaching of Jacoby into the teaching of Janik in order to provide access security to the system, thus making the system more protected.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

In response to Applicant's argument that Janik does not teach a server that serves information to another computer, that collects media files and meta data information for the media files so that the media files can be experienced by a user at the server, the PTO respectfully disagrees and submits that this is taught by Janik as cited above. For example, the abstract discloses streaming digital contents from a local server to another internet playback devices based on end user content preferences and schedule selections (abstract). Figure 1, as well as paragraph 0132 discloses a system control application (figure 1) that stores audio files such as mp3 files (interpreted as media files) in the hard disk drive 30, as well as paths to audio files or URLs (herein interpreted as meta data) of audio streams in the database 96. Paragraph 120 discusses how a media file is experienced by a user.

Conclusion

It is noted that the column, line, and/or page number citations used in the prior art references as applied by the Examiner to the claimed invention are for the convenience of the Applicant to represent the relevant teachings of the prior art. The prior art references may contain further teachings and/or suggestions that may further distinguish the citations applied to the claims, therefore, the Applicant should consider the entirety of these prior art references during the process of responding to this Office Action. It is further noted that any alternative and non-preferred embodiments as taught and/or suggested within the prior art references also constitute prior art and the prior art references may be relied upon for all the teachings would have reasonably suggested to one of ordinary skill in the art. See MPEP 2123.

The prior art listed in the PT0-892 form included with this Office Action disclose methods, systems, and apparatus similar to those claimed and recited in the specification. The Examiner has cited these references to evidence the level and/or knowledge of one of ordinary skill in the art at the time the invention was made, to provide support for universal facts and the technical reasoning for the rejections made in this Office Action including the Examiner's broadest reasonable interpretation of the claims as required by MPEP 2111 and to evidence the plain meaning of any terms not defined in the specification that are interpreted by the Examiner in accordance with MPEP 2111.01. The Applicant should consider these cited references when preparing a response to this Office Action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alina Boutah
Patent Examiner
AU 2143